## ORIGINAL



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL
SITING COUNCIL

IN RE:

APPLICATION OF OPTASITE TOWERS LLC AND OMNIPOINT COMMUNICATIONS, INC. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT 52 STADLEY ROUGH ROAD, DANBURY, CONNECTICUT

DOCKET NO. 366

January 8, 2009

FIFTH SET OF PRE-HEARING INTERROGATORIES OF CITY OF DANBURY TO OPTASITE TOWERS LLC ("OPTASITE") AND OMNIPOINT COMMUNICATIONS, INC. ("T-MOBILE")

The City's Department of Health files indicate that the owners of property located at 14 Q1. Indian Spring Road received approval for a subsurface sewage disposal system, containing a curtain drain which is an integral part of the system on April 7, 2006. Said curtain drain is located at 52 Stadley Rough Road on the northwestern boundary of the Christ the Sheppard Church site, as is depicted on document recorded in Volume 1893 at Page 582 of the Danbury Land Records and attached hereto. Said curtain drain as depicted appears to render the current code complying area for the subsurface sewage disposal system at 52 Stadley Rough Road non-compliant with the Technical Standards for Subsurface Sewage Disposal Systems prepared pursuant to Section 19-13-B103d(d) of the RCSA, Section II.A., Table No1. Item H., as the current code complying area is located within 50 feet upgradient of the curtain drain placed in the easement area serving the subsurface sewage disposal system for 14 Indian Spring Road. The ability of the property owner, Christ the Sheppard Church, to utilize the land area proposed for the siting of the cell tower and its accompanying equipment limits potential options for future repair or expansion of the existing subsurface sewage disposal system serving 52 Stadley Rough Road. Pursuant to Section 19-13-B100a(d) and (e) of the Public Health Code, Christ the Sheppard Church will be required to establish a code complying area prior to construction of the proposed cell tower and it accompanying equipment.

If you or the property owner has not yet identified and received approval from the Health Department for an alternate location for the code complying area, then how is the Siting Council to be assured that any alternate code complying area does not fall within the same area in which the cell tower is proposed to be located?

The City of Danbury reserves the right to offer additional exhibits, testimony, witnesses and administratively noticed materials as may be necessary during the hearing process.

Dated at Danbury, Connecticut, this 8<sup>th</sup> day of January 2009.

City of Danbury

Robin L. Edwards

**Assistant Corporation Counsel** 

City of Danbury

155 Deer Hill Avenue

Danbury, CT 06810

(203) 797-4518

## **CERTIFICATE OF SERVICE**

I hereby certify that the original copy of the foregoing was delivered to the Connecticut Siting Council via overnight mail, with an electronic copy sent via email, and one (1) copy of the above was mailed to the Applicant's legal counsel via overnight mail, with a copy also electronically delivered, as follows:

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Dated: January 8, 2009

City of Danbury

Robin L. Edwards

**Assistant Corporation Counsel** 

City of Danbury

155 Deer Hill Avenue

Danbury, CT 06810

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City of Danbury BK 1893 PG 582

Date 11/01/06 06-00041059 Application Number . . . 14 INDIAN SPRING RD K07020-CARVALHEIRO Tenant nbr, name . . . . . . . Application type description SEPTIC SYSTEM NEW RESIDENTIAL RES, SF 40000 Property Zoning . Application valuation Contractor ALBERTO, ALVARO CARVALHEIRO JOSE & CHRISTINA 90 HIGHLAND AVE 74 PROSPECT HILL ROAD NEW MILFORD, CT DANBURY CT 06B105344 NEW MILFORD (203) 482-2010 Structure Information 000 000 REVIEW FOR NEW SEPTIC INSTALLATION SEPTIC PERMIT Permit. Additional desc . . Plan Check Fee . . Permit Fee . . . . 11/01/06 Issue Date Expiration Date . 11/01/07 Special Notes and Comments #41962, 41269, 40270 #41952, 41259, 40270
New installation. 1250 gallon septic tank. 1250 gallon pump chamber. Gallery 119', 4'x30", precast, plastic contractor 330. Curtain drain/swale 182', 7', 7', system front/left. well right rear. P.E. plan submitted by R. Howard P.E. P.E. as built required for release. FINAL INSPECTION OF SEWAGE DISPOSAL SYSTEM Inspector Approvali SEPTIC SYSTEM LOCATION IN FEET POINT HOUSE 'A' IRON PIPE 'B' BAPTIST CHURCH SEPTIC SYSTEM ELEVATION IN FEET POINT PYC AT HOUSE ST INLET ST OUTLET DB 1 INLET DB 1 TO LINE 1 DB 1 TO LINE 2 TOP BEG. LINE 2 TOP BEG. LINE 2 TOP END LINE 1 TOP END LINE 1 541.86 PAVED Dete 11-08-06 1440 Scale Prot No. 05931 File No. 2859 Acad No. 05931PP Sheet: 1 OF 1 40 Old New Millord Road Brookfield, CT 06804 (203)775-6207 33 Village Green Drive Litchfield, CT 06759 (860)567-3179

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